

Attorney's Docket 071469-0305913
Client Reference: RAJ-006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
HIDEAKI YAMASAKI ET AL.

Confirmation No: 7362

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OCT 01 2004**

Application No.: 10/673,908

Group Art Unit: 2829

Filed: September 30, 2003

Examiner: Scott Geyer

Title: LOW-PRESSURE DEPOSITION OF METAL LAYERS FROM METAL-CARBONYL PRECURSORS

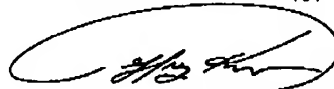
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 C.F.R. §1.8**

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at (703) 872-9318 on the date shown below:

Response to Restriction Requirement

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RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated September 7, 2004, the date for response to which is October 7, 2004, the Applicants provisionally elect the invention of Group I, encompassing claims 1-34, drawn to a method of depositing a metal layer on a substrate. This election is made with traverse.

The Applicants respectfully submit that the subject matter of Groups I and II are sufficiently related that a thorough search and examination of one Group would necessarily encompass the search and examination of the remaining Group. Thus, the Applicants respectfully submit that there can be no undue or serious burden to search both Groups together.

The Applicants respectfully point out that the criteria for a proper requirement for restriction between patentably distinct inventions has not been met. M.P.E.P. § 803 clearly states that "[i]f the search and examination of the entire application can be made without

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serious burden, the examiner must examine it on its merits, even though it includes claims to distinct or independent inventions” (emphasis added). The Applicants submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to the Applicants and duplicative examination by the U.S. Patent and Trademark Office. The Applicants respectfully submit that the Restriction Requirement fails to satisfy the criteria of MPEP §803 and is improper.

Accordingly, the Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement.

Respectfully submitted,
PILLSBURY WINTHROP LLP



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